

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MDL NO. 2738 (FLW)(LHG)
Civil Action No.: 3:19-cv-18866

**IN RE: JOHNSON & JOHNSON TALCUM POWDER)
PRODUCTS MARKETING, SALES PRACTICES,)
AND PRODUCTS LIABILITY LITIGATION)**

James M. Horn, as Personal Representative)
of the Estate of Nancy L. Horn,)

Plaintiff,)

v.)

Johnson & Johnson, *et al.*)

Defendants.)

UNOPPOSED MOTION FOR LEAVE TO AMEND SHORT FORM COMPLAINT

Pursuant to Federal Rules of Civil Procedure, Rule 15, Plaintiff moves this Court for leave to amend her Complaint in the above captioned action and, in support, states as follows:

1. A party may amend her pleading by leave of court, and “[t]he court shall freely give leave when justice so requires.” Fed. R. Civ. P. 15(a).

2. A party may amend the pleadings as may be necessary and “at any time” “to conform them to the evidence and to raise an unpleaded issue.” Fed. R. Civ. P. 15(b).

3. Plaintiff requests leave to amend the pleadings to conform them to the evidence and raise an unpleaded issue.

4. Specifically, Plaintiff requests leave to amend his complaint to include claims based upon survivorship and for recovery of economic damages.

5. This case is not among the 1000 cases randomly selected for inclusion in the Court's bellwether discovery process. As discovery has not yet begun for this case, there is no prejudice in the allowance of this amendment.

6. The proposed Amended Short Form Complaint is attached as Exhibit A.

7. Plaintiff has communicated with Defendant Johnson & Johnson seeking its assent to this motion. Defendant does not oppose this motion.

Respectfully submitted,

/s/James D. Gotz_____

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Dated: October 21, 2020

CERTIFICATE OF SERVICE

I certify that on October 21, 2020, the foregoing was filed electronically and notice of the filing accordingly will be sent to all required parties by operation of the Court.

/s/James D. Gotz
James D. Gotz, Esq.